

**Notice of Allowability**

Application No.

09/920,690

Examiner

Roy M. Punnoose

Applicant(s)

BIEL ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on January 18, 2005.
2. ☒ The allowed claim(s) is/are 1-20 and 22.
3. ☒ The drawings filed on 09 April 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

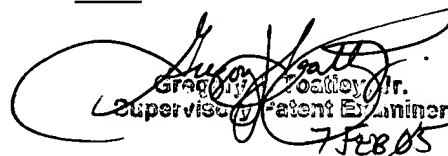
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Gregory Poatley, Jr.  
Supervising Patent Examiner  
7 FEB 05

## **DETAILED ACTION**

### ***Response to Amendment***

1. Acknowledgement is made of the amendment filed by the applicant on January 18, 2005, which have been entered into the records.
2. The arguments presented by the applicant in the papers filed on January 18, 2005 have been accepted. Claims 1-20 and 22 are pending. Claim 21 was cancelled by the applicant previously.

### ***Remarks***

3. In the papers filed on January 18, 2005, the applicant did not include claim 5 as originally presented in the papers filed on August 02, 2001. Claim 5 as originally presented is being inserted into the list of claims filed by the applicant on January 18, 2005 with an Examiner's amendment. Also being corrected with the Examiner's amendment is a minor typographical error in claim 1.

## **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The Examiner's amendment was done to correct a minor typographical error in claim 1. This correction was made on the basis of a similar presentation found in claim 22.

The application has been amended as follows:

- a. In claim 1, line 2, delete "received" and insert therein --receive--.

- b. In the amendment papers filed on January 18, 2005, in the list of claims, insert between claim 4 and claim 6, --5. (Originally presented) Lens checking apparatus according to claim 4, whereby the IR diode has a wavelength of  $\lambda=880$  nm.--

***Allowable Subject Matter***

5. Claims 1-20 and 22 are allowable.
6. Claim 1 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a lens checking apparatus for optical control of contact lenses comprising an illuminating device characterized by producing an image of the contact lens with high resolution, wherein the illuminating device comprises at least one monochromatic light source having one predetermined wavelength, in combination with the rest of the limitations of claim 1.
7. Claims 2-20 and 22 are allowable because they are dependent on independent claims 1, or an intermediate claim.
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

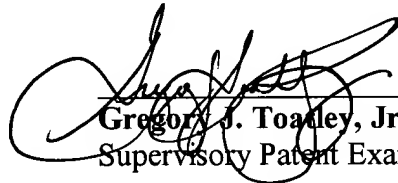
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2059**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Roy M. Punnoose**  
Patent Examiner  
Art Unit 2877  
February 6, 2006



  
**Gregory J. Toatley, Jr.**  
Supervisory Patent Examiner  
7 FEB 05